

AMENDED IN SENATE JULY 3, 2012
AMENDED IN ASSEMBLY MAY 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2493

Introduced by Assembly Member Roger Hernández

February 24, 2012

An act to amend Sections 11435.30 and 11435.35 of the Government Code, relating to ~~workers' compensation~~ *state government*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, as amended, Roger Hernández. Workers' compensation: administrative hearings and medical examinations and treatments: interpreters.

Existing law requires certain state agencies, including the Workers' Compensation Appeals Board, to provide language assistance in adjudicative proceedings. Existing law requires the State Personnel Board to establish, maintain, administer, and publish annually for these purposes an updated list of certified administrative hearing interpreters and medical examination interpreters it has determined meet certain minimum standards.

This bill would also authorize the Administrative Director of the Division of Workers' Compensation ~~or an independent organization designated by the administrative director~~ to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters ~~it has~~ *who, based on testing by an independent organization designated by the administrative director, have been* determined to meet certain minimum standards, for purposes of administrative hearings and medical examinations conducted in

connection with workers' compensation and appeals to the Worker's Compensation Appeals Board. This bill would require a reasonable fee to be collected from each interpreter seeking certification, to cover the reasonable regulatory costs of administering the program. ~~This bill would require the administrative director, if he or she elects not to administer the program, to contract with an independent organization to conduct testing and to certify the qualifications of administrative hearing and medical examination interpreters.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11435.30 of the Government Code is
2 amended to read:
3 11435.30. (a) The State Personnel Board shall establish,
4 maintain, administer, and publish annually an updated list of
5 certified administrative hearing interpreters it has determined meet
6 the minimum standards in interpreting skills and linguistic abilities
7 in languages designated pursuant to Section 11435.40. Any
8 interpreter listed may be examined by each employing agency to
9 determine the interpreter's knowledge of the employing agency's
10 technical program terminology and procedures.
11 (b) Court interpreters certified pursuant to Section 68562, and
12 interpreters listed on the State Personnel Board's recommended
13 lists of court and administrative hearing interpreters prior to July
14 1, 1993, shall be deemed certified for purposes of this section.
15 (c) (1) In addition to the certification procedure provided
16 pursuant to subdivision (a), the Administrative Director of the
17 Division of Workers' Compensation ~~or an independent organization~~
18 ~~designated by the administrative director~~ may establish, maintain,
19 administer, and publish annually an updated list of certified
20 administrative hearing interpreters ~~it has~~ *who, based on testing by*
21 *an independent organization designated by the administrative*
22 *director, have been determined to meet the minimum standards in*
23 *interpreting skills and linguistic abilities in languages designated*
24 *pursuant to Section 11435.40, for purposes of administrative*
25 *hearings conducted pursuant to proceedings of the Workers'*
26 *Compensation Appeals Board. The independent testing*
27 *organization shall have no financial interest in the training of*

1 *interpreters or in the employment of interpreters for administrative*
2 *hearings.*

3 (2) A fee, as determined by the administrative director, shall be
4 collected from each interpreter seeking certification. The fee shall
5 not exceed the reasonable regulatory costs of administering the
6 testing and certification program and of publishing the list of
7 certified administrative hearing interpreters on the Division of
8 Workers' Compensation Internet Web site. ~~If the administrative~~
9 ~~director chooses not to administer the testing and certification~~
10 ~~program, the administrative director shall contract with one or~~
11 ~~more independent organizations to conduct testing and to certify~~
12 ~~the qualifications of administrative hearing interpreters.~~

13 SEC. 2. Section 11435.35 of the Government Code is amended
14 to read:

15 11435.35. (a) The State Personnel Board shall establish,
16 maintain, administer, and publish annually, an updated list of
17 certified medical examination interpreters it has determined meet
18 the minimum standards in interpreting skills and linguistic abilities
19 in languages designated pursuant to Section 11435.40.

20 (b) Court interpreters certified pursuant to Section 68562 and
21 administrative hearing interpreters certified pursuant to Section
22 11435.30 shall be deemed certified for purposes of this section.

23 (c) (1) In addition to the certification procedure provided
24 pursuant to subdivision (a), the Administrative Director of the
25 Division of Workers' Compensation ~~or an independent organization~~
26 ~~designated by the administrative director~~ may establish, maintain,
27 administer, and publish annually an updated list of certified medical
28 examination interpreters ~~it has who, based on testing by an~~
29 ~~independent organization designated by the administrative director;~~
30 ~~have been~~ determined to meet the minimum standards in
31 interpreting skills and linguistic abilities in languages designated
32 pursuant to Section 11435.40, for purposes of medical examinations
33 conducted pursuant to proceedings of the Workers' Compensation
34 Appeals Board, and medical examinations conducted pursuant to
35 Division 4 (commencing with Section 3200) of the Labor Code.
36 *The independent testing organization shall have no financial*
37 *interest in the training of interpreters or in the employment of*
38 *interpreters for medical examinations.*

39 (2) A fee, as determined by the administrative director, shall be
40 collected from each interpreter seeking certification. The fee shall

1 not exceed the reasonable regulatory costs of administering the
2 testing and certification program and of publishing the list of
3 certified medical examination interpreters on the Division of
4 Workers' Compensation Internet Web site. ~~If the administrative~~
5 ~~director chooses not to administer the testing and certification~~
6 ~~program, the administrative director shall contract with one or~~
7 ~~more independent organizations to conduct testing and to certify~~
8 ~~the qualifications of medical examination interpreters.~~

O